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VERRAGIO, LTD

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VERRAGIO, LTD

Plaintiff,

V.

KIEU HANH JEWELRY,

Defendant.

) Case No. 8:15-cv-0688 CJC (DFMx)

**DECLARATION OF HOWARD A.
KROLL IN SUPPORT OF
PLAINTIFF'S APPLICATION FOR
DEFAULT JUDGMENT BY COURT**

DATE: August 3, 2015
TIME: 1:30 p.m.
CTRM: 9B

Hon. Cormac J. Carney

I, Howard A. Kroll, declare as follows:

1. I am a partner with Tucker Ellis LLP, attorneys of record for Plaintiff Verragio, Ltd. (“Verragio”). I make this declaration of my personal knowledge, and if called on as a witness could testify competently to each of the following facts.

2. Defendant Kieu Hanh Jewelry (“Kieu Hanh”), a company selling jewelry in Westminster, California, is not a minor or incompetent person or in military service or otherwise exempted under the Soldiers’ and Sailors’ Civil Relief Act of 1940.

1 3. Verragio plans to serve its Application for Default Judgment By Court
 2 ("Application"), its Notice of Application, and other supporting documents on Kieu Hanh
 3 by mail on July 1, 2015.

4 4. The ring sold by Kieu Hanh is currently in my possession, and is virtually
 5 identical to the photograph displayed in the Memorandum of Points and Authorities in
 6 Support of Plaintiff's Application, but without the center diamond.

7 5. Kieu Hanh has not contacted me at any time during the pendency of this
 8 Action, and I have had no opportunity to inspect any evidence Kieu Hanh may possess.

9 6. Verragio has incurred attorneys' fees in the amount of \$12,845 in this
 10 matter.

11 7. Verragio has incurred costs in the amount of \$400 in in this matter. These
 12 costs consist of the filing fee for the Complaint.

13 8. None of the requested fees and costs have previously been written off or
 14 waived by Tucker Ellis LLP.

15 9. I am an alumnus of U.S.C. School of Law. I have been a member in good
 16 standing of the California bar since 1981 and am experienced in intellectual property
 17 litigation. The hourly rate I charge is \$645 an hour. It is my understanding and belief that
 18 my rate is consistent with what other attorneys of my experience in this area charge for
 19 comparable work, and that these rates are reasonable.

20 10. In April, 2015, I billed 4 hours to investigate Verragio's claim and draft the
 21 Complaint, prepare a corporate disclosure statement, and a notice of interested parties.

22 11. In May, 2015, I billed 2 hours to review and analyze the proof of service,
 23 review and analyze the Court's local rules and Judge Carney's Procedures and Schedules,
 24 review and analyze the Court's order regarding transfer to Judge Dolly Gee, review and
 25 analyze the Court's order to show cause regarding dismissal for lack of prosecution, and
 26 for a conference with Verragio regarding the status of the case.

27 12. In June, I have billed 5 hours for drafting the application for the Clerk of the
 28 Court to enter default, reviewing and revising the Application for Default Judgment By

1 Court, Verragio's Notice of Application, and other supporting documents, and for a
2 conference with Verragio regarding the status of the case.

3 13. I also have supervised the work of an associate attorney at Tucker Ellis LLP,
4 Markus B. Hopkins (“Hopkins”). Hopkins is an alumnus of Loyola Law School, Los
5 Angeles and has been a member in good standing of the California bar since 2014.
6 Hopkins’ hourly rate is \$250 an hour. It is my understanding and belief that the rate
7 charged by Hopkins is consistent with what other attorneys of his experience in this area
8 charge for comparable work, and that these rates are reasonable.

9 14. In June, Hopkins has billed 23 hours for drafting, reviewing, and revising the
10 Application for Default Judgment By Court, Verragio's Notice of Application, and other
11 supporting documents.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed at Los Angeles, California, this 1st day of July, 2015.

/s/ Howard A. Kroll

Howard A. Kroll

CERTIFICATE OF SERVICE

I certify that on July 1, 2015, a true and correct copy of the foregoing was filed with the Court and served electronically. The Notice of Electronic Case Filing automatically generated by the system and sent to all parties entitled to service under the Federal Rules of Civil Procedure and the Local Rules of the Central District of California who have consented to electronic service shall constitute service of the filed document to all such parties.

I further certify that the following party was served by U.S. Mail:

Kieu Hanh Jewelry
9131 Bolsa Avenue, Suite 203
Westminster, CA 92683

I declare that I am employed by a member of the bar of this Court, at whose direction this service was made.

Executed on July 1, 2015 at Los Angeles, California.

/s/Susan Lovelace

TUCKER ELLIS LLP
Cleveland • Columbus • Denver • Los Angeles • San Francisco
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